IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 16591 of 2004

Between:

APSRTC, Rep. by its Managing Director, Musheerabad, Hyderabad.

..... PETITIONER

AND

1 The State Transport Appellate Tribunal

Manoranjan Complex M.J.Road, Nampally
AP Hyderabad 500 001, rep by its Presiding Officer.
2 Regional Transport Authority Ananthapur Dt. at Ananthapur
Rep. by its Secretary.
3 Sri T.Nisar Ahammad, S/o. Sri T.Waheed Khan
R/o. 121/153, Abadpet, Hindupur, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, especially in the nature of writ of certiorari by mandamus, calling for the records relating to the impugned order dt.10.5.2004 made in RP.216/03, on the file of the State Transport Appellate Tribunal, AP.,Hyderabad in dismissing the revision petition filed against the order dt.12.3.2003 in item No. 33 in Rc.No. 9545/A2/2000 of the Regional Transport Authority Ananthapur granting pucca stage carriage permit on the alleged town service route Hindupur Municiapl Bus Stand to Gollapuram and quash both the orders as being illegal, without Jurisdiction and invalid, and declare that the grant of the permit to the 3rd respondent on the above route as being hit by the provisions of

Section 68 (3) (Ca) and 104 of M.VAct 1988.

Counsel for the Petitioner:MR.K. SRINIVASA RAO

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

Counsel for the Respondent No.3: MR. E. MARUTHI RAJA

WRIT PETITION NO : 23879 of 2004

Between:

APSRTC, Rep. by its Managing Director, Musheerabad, Hyderabad.

..... PETITIONER

AND

1 The State Transport Appellate Tribunal, Manoranjan Complex,

M.J. Road, Nampally,
A.P. Hyderabad- 500 001, rep. by its Presiding Officer.

2 Regional Transport Authority, Ananthapur District at Ananthapur,

Rep. by its Secretary.

3 Sri S. Md. Kaleem, R/o 1/269, Opp: Veterinary Hospital,
Kadiri, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, especially in the nature of writ of certiorari, calling for the records relating to the impugned order dt. 10-5-2004 made in RP. 219/03 on the file of the State Transport Appellate Tribunal, A.P. Hyderabad in dismissing the revision petition filed against order dt. 12-3-2003 in item No. 51 in Rc.No. 9149/A2/2000 of the Regional Transport Authority, Ananthapur granting pucca stage carriage permit on the alleged town service route Kadiri Bus stand to Nallamada Cross and quash both the orders as being illegal, without jurisdiction and invalid, and declare that the grant of permit to the 3rd respondent on the above route as being hit by the provisions of section 68(3) (ca) and 104 of M.V. Act 1988.

Counsel for the Petitioner:MR.K. SRINIVASARAO

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

Counsel for the Respondent No.3. MR. S.A.RAZAK

WRIT PETITION NO : 24241 of 2004

Between:

APSRTC., Rep. by its Managing Direcgtor, Musheerabad, Hyderabad.

..... PETITIONER

AND

1 The State Transport Appellate Tribunal Manoranjan Complex,

M.J. Road, Nampally,
A.P. Hyderabad 500001, rep. by its Presiding Officer.
2 Regional Transport Authority Ananthapur District

at Ananthapur, rep. by its Secretary .

3 Sri S.Md.Kaleem R/o.1/269,

Opp.Veterinary Hospital, Kadiri, Anantapur Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, especially in the nature of writ of Certiorari, calling for the records relating to the impugned order Dt.10.5.2004 made in RP.220/03 on the file of the State Transport Appellate Tribunal, A.P. Hyderabad in dismissing the revision petition filed against the order Dt.12.3.2003 in item No.52 in Rc.No.9150/A2/2000 of the Regional Transport Authority Ananthapur granting pucca stage carriage permit on the alleged town service route Kadiri Bus Stand to Na Nallamada Cross and quash both the orders as being illegal, without jurisdiction and invalid and declare that the grant of permit to the 3rd respondent on the above route as being hit by the provisions of Section 68 (3) (ca) and 104 of M.V. Act 1988.

Counsel for the Petitioner:MR.K. SRINIVASARAO

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

Counsel for the RespondentNo.3: MR. S.A.RAZAK

WRIT PETITION NO : 1894 of 2005

Between:

APSRTC., rep by its Managing Director, Musheerabad, Hyderabad

..... PETITIONER

AND

1 The State Transport Appellate Tribunal, Manoranjan Complex,

M.J. Road, Nampally, A.P. Hyderabad- 500 001
rep by its Presiding Officer.
2 The Regional Transport Authority, Ananthapur Dt. at Ananthapur

Rep. by its Secretary

3 Sri S. Md. Nazeer, R/o 1/268, Khadiri Ananthapur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, especially in the nature of Writ of Certiorari, calling for the records relating to the impugned order dt.10-5-2004 made in R.P. 218/03 on the file of the State Transport Appellate Tribunal. A.P. Hyderabad in dismissing the revision petition filed against the order dt.12-3-2003 in item No. 50 in Rc. No. 9148/A2/2000 of the Regional Transport Authority, Ananthapur granting pucca stage carriage permit on the alleged town service route Kadiri (Raychoti Cross)to Ethodu and quash both the orders as being illegal, without jurisdiction and invalid, and declare that the grant of permit to the 3rd respondent on the above route as being hit by the provisions of Section 68(3)(ca) and 104 of MV. Act 1988.

Counsel for the Petitioner:MR.K. SRINIVASARAO

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

Counsel for the Respondent No.3: -

WRIT PETITION NO : 1901 of 2005

Between:

APSRTC rep., by its Managing Director, Musheerabad, Hyderabad.

..... PETITIONER

AND

1. The State Transport Appellate Tribunal, Manoranjan Complex, M.J.Road, Nampally, A.P.,Hyderabad-500 001 rep., by its

Presiding Officer

2 Regional Transport Authority, Ananthapur District at Ananthapur

rep., by its Secretary.

3 Smt.E.Satyavathi, W/o E.Venkata Subbaiah, R/o 2/157, 2nd Road, Ananthapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, especially in the nature of writ of certiorari calling for the records relating to the impugned order dt.10-5-2004 made in RP 227/03 on the file of the State Transport Appellate Tribunal, A.P.Hyderabad in dismissing the revision petition filed against the order dt.12-3-2003 in item No.6 in Rc.No.1144/A2/94 of the Regional Transport Authority, Ananthapur granting pucca stage carriage permit on the alleged town service route Shyapuram to Penukonda and quash both the orders as being illegal, without jurisdiction and invalid and declare that the grant of permit to the 3rd respondent on the above route as being hit by the provisions of Section 68(3)(ca) and 104 of M.V.Act, 1988.

Counsel for the Petitioner:MR.K. SRINIVASARAO

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

Counsel for the Respondent No.3:

WRIT PETITION NO : 1902 of 2005

Between:

APSRTC, Rep. by its Managing Director,
Musheerabad, Hyderabad.

..... PETITIONER

AND

1 The State Transport Appellate Tribunal, Manoranjan Complex,

M.J. Road, Nampally
A.P. Hyderabad - 500 001, rep. by its Presiding Officer.
2 Regional Transport Authority, Ananthapur District at Ananthapur,
Rep. by its Secretary.
3 Sri S. Md. Nazeer. R/o 1/268, Khadiri, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, especially in the nature of writ of certiorari, calling for the records relating to the impugned order dt. 10-5-2004 made in R.P. 224/03 on the file of the State Transport Appellate Tribunal, A.P. Hyderabad in dismissing the revision petition filed against the order dt. 12-3-2003 in item No. 49 in Rc.No. 9147/A2/2000 of the Regional Transport Authority, Ananthapur granting pucca stage carriage permit on the alleged town service route Kadiri (Rayachoti Cross) to Ethodu and quash both the orders as being illegal without jurisdiction and invalid and declare that the grant of permit to the 3rd respondent on the above route as being hit by the provisions of section 68(3) (ca) and 104 of M.V. Act, 1988.

Counsel for the Petitioner:MR.K. SRINIVASARAO

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

Counsel for the Respondent No.3: -

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WRIT PETITION NO : 1903 of 2005

Between:

APSRTC, Rep by its Managing Director, Musheerabad, Hyderabad.

..... PETITIONER

AND

1 The State Transport Appellaste Tribunal, Manoranjan Complex,

M.J. Road, Nampally,
A.P., Hyderabad - 500 001, rep by its Presiding Officer
2 Regional Transport Authority, Ananthapur District at Ananthapur,
rep. by its Secretary
3 Smt. G.Sri Tulasi, W/o. Sri G. Ravindranath,
R/o. 10/279, Guljarpet, Anantapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, especially in the nature of writ of certiorari, calling for the records relating to the impugned order dt. 10-5-2004 made in RP. 221/2003 on the file of the State Transport Appellate Tribunal, A.P., Hyderabad in dismissing the revision petitioner filed against the order dt. 12-3-2003 in item No. 14 in Rc.No. 12319/A2/96 of the Regional Transport Authority, Ananthapur granting pucca stage carriage permit on the alleged town service route Anantapur Municipal Office to Varimadugu and quash both the orders as being illegal, without jurisdiction and invalid, and declare that the grant of permit to the 3rd respondent on the above route as being hit by the provisions of section 68(3)(ca) and 104 of M.V. Act. 1988.

Counsel for the Petitioner:MR.K. SRINIVASARAO

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

Counsel for the Respondent No.3:MR. E. MARUTHI RAJA

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WRIT PETITION NO : 1925 of 2005

Between:

APSRTC., rep by Managing Director, Musheerabad, Hyderabad

..... PETITIONER

AND

1 The State Transport Appellate Tribunal, Manoranjan Complex,

M.J. road, Nampally, A.P., Hyderabad, rep. by its Presiding Officer
2 Regional Transport Authority, Ananthapur District at Ananthapur,

Rep. by its Secretary
3 Sri. S. Srinivas S/o Sri S. Sreeramulu,

R/o 1-543, Rudrampet (V), Ananthapur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, especially in the nature of writ of certiorari, calling for the records relating to the impugned order dt.10-5-2004 made in RP 228/03 on the file of the State Transport Appellate Tribunal, A.P., Hyderabad in dismissing the revision petition filed against the order dt.12-3-2003 in item No. 13 in R.C. No. 12308/A2/96 of the Regional Transport Authority Ananthapur granting pucca stage carriage permit on the alleged town service route Ananthpaur Municipal Office to Vepacherla and Quash both the orders as being illegal, without jurisdiction and in valid, and declare that the grant of permit to the 3rd respondent on the above route as being hit by the provisions of Section 68(3) (ca) and 104 of MV. Act 1988.

Counsel for the Petitioner:MR.KALLAKURI SRINIVASARAO

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

Counsel for the Respondent No.3:

WRIT PETITION NO : 2027 of 2005

Between:

APSRTC, Rep.by its Managing Director, Musheerabad, Hyderabad.

..... PETITIONER

AND

1 The State Transport Appellate Tribunal, Manoranjan Complex,

M.J.Road, Nampally,
A.P.Hyderabad-500001, rep.by its Presiding Officer.
2 Regional Transport Authority, Ananthapur Dt.at Ananthapur

rep.by its Secretary.
3 Sri G.Ravindranath, S/o.Late G.Venkatachalapathi,
R/o.10-279, Guljarpet, Ananthapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, especially in the nature of writ of certiorari, calling for the records relating to the impugned order dt.10-5-2004 made in RP.226/03 on the file of the state Transport Appellate Tribunal, A.P. Hyderabad in dismissing the revision petition filed against the order dt.12-3-2003 in item No.46 in

Rc.No.12318/A2/96 of the Regional Transport Authority Ananthapur granting pucca stage carriage permit on the alleged town service route Mudigubba to Tadipatri Bus stand (Ananthapur) and quash both the orders as being illegal, without jurisdiction and invalid, and declare that the grant of permit to the 3rd respondent on the above route as being hit by the provisions of section 68(3) (ca) and 104 of M.V.Act, 1988.

Counsel for the Petitioner:MR.K. SRINIVASARAO

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

Counsel for the RespondentNo.3:

WRIT PETITION NO : 3109 of 2005

Between:

APSRTC, Rep by its Managing Director, Musheerabad, Hyderabad.

..... PETITIONER

AND

1 The State Transport Appellate Tribunal Manoranjan Complex,

M.J.Road, Nampally,

2 Regional Transport Authority, Ananthapur District at Ananthapur
Rep. by its Secretary.

3 Smt.E.Satyavathi W/o.E.Venkata Subbaiah
R/o.2/157, 2nd Road, Ananthapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction especially in the nature of writ of Certiorari, calling for the records relating to the impugned order Dt.10.5.2004 made in RP 225/03 on the file of the State Transport Appellate Tribunal A.P.Hyderabad in dismissing the revision petition filed against the order Dt.12.3.2003 in item No.41 in Rc No.2604/A2/2002 of the Regional Transport Authority Ananthapur granting pucca stage carriage permit on the alleged town service route HIC Colony to Hampapuram and quash both the orders as being illegal, without jurisdiction and invalid, and declare that the grant of permit to the 3rd respondent on the above route as being hit by the provisions of Section 68(3) (ca) and 104 of M.V. Act 1988.

Counsel for the Petitioner:MR.K. SRINIVASARAO

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

Counsel for the Respondent No.3:

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WRIT PETITION NO : 5363 of 2005

Between:

APSRTC, Rep. by its Managing Director, Musheerabad, Hyderabad.

..... PETITIONER

AND

1 The State Transport Appellate Tribunal Manoranjan Complex,

M.J. Road, Nampally,
A.P. Hyderabad-500 001, Rep. by its Presiding Officer.
2 Regional Transport Authority, Ananthapur District at Ananthpur,

Rep. by its Secretary.
3 Sri E. Venkata Subbaiah, R/o. 2/157, 2nd road, Ananthapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, especially in the nature of writ of certiorari, calling for the records relating to the impugned order dt. 10-5-2004 made in R.P. 223/03 on the file of the State Transport Appellate Tribunal A.P. Hyderabad in dismissing the revision Petition filed against the order dt. 12-3-2003 in item No.45 in Rc.No. 1419/A2/2003 of the Regional Transport Authority Ananthapur granting Pucca stage carriage permit on the alleged town service route Dharmavaram Old Bus stand to Sangameshwaram and quash both the orders as being illegal, without jurisdiction and invalid, and declare that the grant of permit to the 3rd respondent on the above route as being hit by the provisions of section 68(3)(ca) and 104 of M.V. Act, 1988.

Counsel for the Petitioner:MR.K. SRINIVASARAO

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

Counsel for the Respondent No.3:

WRIT PETITION NO : 5364 of 2005

Between:

APSRTC, Rep by its Managing Director, Musheerabad, Hyderabad.

..... PETITIONER

AND

1 The State Transport Appellate Tribunal, Manoranjan Complex,

M.J. Road, Nampally,
AP Hyderabad - 500 001. rep by its Presiding Officer
2 Regional Transport Authority, Ananthapur District at Anantapur,
rep. by its Secretary
3 Smt. E. Satyavathi, W/o. E. Venkata Subbaiah, R/o 2/157, 2nd road,

Ananthapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, especially in the nature of Writ of Certiorari, calling for the records relating to the impugned order dt. 10-5-2004 made in R.P. 215/2003 on the file of the State Transport Appellate Tribunal, AP., Hyderabad in dismissing the revision petition filed against the order dt. 12-3-2003 in item No. 38 in Rc.No. 1707/A2/2002 of the Regional Transport Authority Ananthapur granting pucca state carriage permit on the alleged town service route HLC Colony to Gondireddypalli and quash both the orders as being illegal, without jurisdiction and invalid, and declare that the grant of permit to the 3rd respondent on the above route as being hit by the provisions of section 68(3) (ca) and 104 of M.V. Act, 1988.

Counsel for the Petitioner:MR.K. SRINIVASARAO

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

Counsel for the Respondent No.3:

WRIT PETITION NO : 7464 of 2005

Between:

APSRTC, Rep by its Managing Director, Musheerabad, Hyderabad.

..... PETITIONER

AND

1 The State Transport Appellate Tribunal, Manoranjan Complex,

M.J. Road, Nampally,
AP, Hyderabad - 500 001, rep by its President Officer
2 Regional Transport Authority, Anantapur Distrct, at Ananthapur,
Rep. by its Secretary

3 Sri V. Venkatarami Reddy, S/o. Sri V. Ramakrishna Reddy,
R/o. 14/125, Kamalanagar, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, especially in the nature of Writ of certiorari, calling for the records relating to the impugned order dated 10-5-2004 made in R.P. 222/03 on the file of the State Transport Appellate Tribunal, A.P. Hyderabad is dismissing the revision petition filed against the order dt. 12-3-2003 in item No. 3 in Rc.No.14795/A2/1991 of the Regional Transport Authority Ananthapur granting pucca state carriage permit on the alleged town service route Collector's Office to Hampapuram and quash both the orders as being illegal, without jurisdiction and invalid, and declare that the grant of permit to the 3rd respondent on the above route as being hit by the provisions of section 68(3) (ca) and 104 of M.V. Act, 1988.

Counsel for the Petitioner:MR.K. SRINIVASARAO

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

Counsel for the Respondent No.3: -

The Court made the following common order :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NOs.16591, 23879, AND 24241 of 2004; AND 1894, 1901, 1902, 1903, 1925, 2027, 3109, 5363, 5364 and 7464 OF 2005

COMMON ORDER:

All these Writ Petitions are filed by Andhra Pradesh State Road Transport Corporation (APSRTC) assailing the orders passed by State Transport Appellate

Tribunal (STAT) on 10.5.2004 in various revision petitions filed by APSRTC. Be it noted that STAT by impugned orders dismissed the revision petitions filed by APSRTC on the ground that they were not filed within thirty days as required under first proviso to Section 90 of the Motor Vehicles Act, 1988. The impugned orders are sought to be challenged on the ground that the period of thirty days of limitation starts only from the date of receipt of the order and not from the date on which the Regional Transport Authority (RTA) issued proceedings giving cause of action to APSRTC. The learned Tribunal dismissed the petitions placing reliance on decision of this Court in **A.P.S.R.T.C. v. T. Saidaiah.**

The APSRTC has filed a Writ Petition being W.P.No.16396 of 2004 assailing similar order passed by the Tribunal. The same was dismissed by a learned Single of this Court by order dt.14.9.2004 holding that the revision petition filed beyond thirty days from the date of grant of permit to the bus operator would be barred by limitation. Aggrieved by the same the APSRTC filed Writ Appeal No.1691 of 2004, which was also dismissed by a Division Bench of this Court on 13.6.2005 agreeing with the learned Single Judge. The learned Single Judge in the order dt.14.9.2004 observed as under.

> The appellate Tribunal rightly came to the conclusion that the revision petition is time barred. After elaborate hearing of the matter, it is noticed that the revision petition was filed beyond 30 days from the date of granting of permit to the 3rd respondent. The Limitation Act is not applicable to these proceedings.
>
> Hence, the Writ Petition cannot be entertained and it is accordingly dismissed. No order as to costs.

While dismissing the Writ Appeal of APSRTC, the Division Bench passed the following order.

> Learned Single Judge as well as the Tribunal has found that the revision filed before the Tribunal was time-barred and it has been filed beyond 30 days from the date of order. We do not find any illegality in the orders. Therefore, the writ appeal is dismissed. No order as to costs.

It is not denied that the orders as above squarely cover these Writ Petitions also. Following the same, the Writ Petitions are dismissed. If so advised, it shall be open to APSRTC to again approach the Tribunal by filing appropriate applications under second proviso to Section 90 of the Act for condonation of delay.

The Writ Petition, with the above observations, is dismissed. No costs.

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(V.V.S.RAO, J)

5.7.2005

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To

1 The Presiding Officer, State Transport Appellate Tribunal, A.P.

Manoranjan Complex, M.J.Road, Nampally,

Hyderabad – 500 001

2 The Secretary, Regional Transport Authority, Ananthapur

Ananthapur District

3 2 CCs to G.P. for Transport, High Court Bldgs., Hyderabad (OUT)

4 2 CD copies